

Restoring Integrity to America's Elections Section by Section

Overview: Restructures the Federal Election Commission to have five commissioners, in order to break gridlock. Makes permanent FEC's civil penalty authority.

Section 1. Short title. Provides name for this sub-title as the "Restoring Integrity to America's Elections Act."

Section 2. Membership of Federal Election Commission. Provides for reduction in the number of FEC Commissioners from six to five, with no more than two members of the same party, all appointed by the President with the advice and consent of the Senate. Establishes that a commissioner shall be treated as affiliated with a political party if he or she was affiliated, including as a registered voter, employee, consultant, donor, officer, or attorney, with such political party or any of its candidates or elected public officials at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Commission. Further provides that each member shall serve a six-year term and is not eligible for reappointment. Further provides that President shall convene a Blue-Ribbon Advisory Panel to recommend individuals for appointment as a member of the Commission. Ensures the Panel consist of individuals with diverse party affiliation, gender, and ethnicity.

Section 3. Assignment of powers to Chair of Federal Election Commission. Provides that the President designates one member of the Commission as Chairman, assigns certain powers to the Chairman and assigns other powers to the Commission.

Section 4. Revision to enforcement process. Revises enforcement process to provide that general counsel shall make a determination of whether there is reason to believe a violation has occurred, or whether there is probable cause that a violation has occurred, and that determination shall take effect unless a majority of the Commission votes to overrule the general counsel's determination within 30 days. Further provides that any person aggrieved by a finding of no reason to believe a violation has occurred or no probable cause that a violation has occurred, or aggrieved by a failure of the Commission to act on a complaint within one year after filing a complaint, may seek judicial review in the district court for the District of Columbia and the court shall determine by de novo review whether the agency action or failure to act is contrary to law.

Section 5. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests. Provides that an interested party who has submitted written comments on an advisory opinion request may present testimony to the Commission.

Section 6. Permanent extension of administrative penalty authority. Extends statutory authority for administrative fines program for violation of certain disclosure requirements.

Section 7. Requiring forms to permit use of accent marks. Requires all forms made available by the FEC to allow for accent symbols.

Section 8. Restrictions on ex parte communications. Codifies, by reference, limitations on ex parte communications by members of the Commission and their staff.

Section 9. Clarifying authority of FEC attorneys to represent FEC in Supreme Court. Clarifies the authority of the FEC attorneys, including the General Counsel, to represent the FEC in actions before the Supreme Court.

Section 10. Effective date; transition. Provides effective date of January 1, 2022 for amendments made by this subtitle, and for procedures for transition.